

JUN 28 2011

MARY E. D'ANDREA, CLERK
Per Deputy Clerk

United States District Court
For the
Middle District of Pennsylvania

Norman J. Shelton

Plaintiff

"vs"

Case No. 4:11-cv-00368 MM-DB

Warden Bledsoe et al defendants.

Declaration in opposition to Defendants Motion for Summary judgment

Norman J. Shelton, declares under penalty of perjury.

1.) I am the plaintiff in the above entitled case. I make this declaration in opposition to defendant's motion for summary judgment on my claim concerning the violation of my first and eighth amendment rights. And the use of force against me by L.T. Scampon, L.T. Johnson, L.T. Mattently, Captain Trate, Perrin, Heath, Whittaker, Hamilton, Vegh, Ditz,

2.) The defendant's affidavits claims, in summary that plaintiff's claims are frivolous without any genuine issues. And that plaintiff filed leave to amend his complaint without filing the amend motion. Plaintiff donot know the law but is learning fast. plaintiff was attacked and assaulted twice by two different gang members. After the first attack plaintiff gave defendant's Bledsoe, young, Trate actual knowledge of his enemy's and requested to no be celled or rec. with any African American no more. Because word was his life was in danger. The officials tear gas me on Aug 30, 09 incident with my hands stiff cuffed in the back after being beaten for three whole minutes from the gang member, stating I made it impossible for them to subdue me without it.

3.) The defendants are not entitled to summary judgment because there are genuine issues of material fact to be resolved. These issues are identified in the accompanying Statements of Disputed Factual Issues filed by the plaintiff pursuant to Rule 7.1 through 7.8 and 56. of this district court. the facts are set out in this declaration.

4.) On August 27, 2009 I was threaten by officials to go in to a cell against my will with a gang member,

5.) Upon cell rotations conducted every 21 to 29 days. on August 30, 2009 cell rotations were being conducted officials came to my cell 227, Z-Block. stated shelton cuff up.

6.) plaintiff cuffed up and out of no where, the gang member attacked and assaulted plaintiff.

7.) By punching and kicking him to his face and body for a whole three minutes, with his hands cuffed behind his back while the officials stood there and watched and didn't say or do anything to stop it. "plaintiff tried to stop the assault by kicking out but never hit anything blood was coming from plaintiff's mouth, noses, eyes, plaintiff could not see because there were so much blood.

8.) That covered his face. Once the officials saw enough they order the gang member to stop and he did, "just" like that. As he walked towards the door he throw another punch at plaintiff an plaintiff kicked out again to not get hit again, "the officials ran in the cell and shot plaintiff in the face with tear gas and slammed plaintiff on the floor on his face and started beating him.

9.) L.T. Heath put her knee in the back of plaintiff ~~neck~~ and %whittaker started punching plaintiff in his side %Raup Kicked plaintiff five times in his left leg. "... plaintiff yelled out he could not breath it was nine officers on him at one time. All this was done to plain-tiff with his hands cuffed behind his back.

10.) After what seemed like for ever, "They picked plaintiff up still hitting him in the back and right side of his body other inmates were yelling at the officers, "Stating leave that Black man alone, Because yall should have never put him in that cell with that gang member any way. Because he do the same thing to every cellie he gets. yall knew that before you did it. L.T. Heath you and %whittaker set that man up.

11.) contrary to defendants affidavits, during these events I did not receive any medical care, I was pushed around and draged on the floor because I could not keep up with their steps. "walking". All I asked was could they wash the blood from my face so it donot get into my eyes. They all stated no.

12.) Defendant whittaker. Raup. Heattth without warning punched and kicked plaintiff again. plaintiff received lacerations to his face and scalp and numerous bouises and abrasions. to my arms, legs, torso, wrist and head.

13.) Contrary to defendant's Affidavit they used threats and enforce themselves on plaintiff for no other reason "but" to ~~led~~ plaintiff know how much power they have and what they can get away with.

14.) The foregoing factual allegations create a genuine issue of material fact and will, if proved at trial, entitle me to judgement, as explained in the brief submitted with this declaration.

"Pursuant to U.S.C. § 1746 ~~I~~ declare under penalty of perjury that the foregoing is true and correct.

Norman V. Shelton #45969-066
U.S.P. Lewisburg
P.O. Box 1000
Lewisburg pa. 17837

Date 6/26/11